IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

RP.No. 728 OF 2007(K)

AGAINST THE JUDGEMENT IN WPC.22781/2006 Dated 15/11/2006
.....

RVIEW PETITIONERS/RESPONDENTS 1 & 2
---

1. THE DIVISONAL FOREST OFFICER,
NILAMBUR.

2. THE CHIEF CONSERVATOR OF FORESTS,
(NORTHERN REGION), FOREST HEAD QUARTERS,
KOZHIKODE.

BY GOVERNMENT PLEADER SRI. M.P. PRAKASH.

RESPONDENTS: PETITIONER/RESPONDENT 3
---

1. C.K.KUNJUMOHAMMED, CHEENAKODE HOUSE,
NALLATHANNI P.O., NILAMBUR, MALAPPURAM DISTRICT.

2. THOMASKUTTY, S/O ABRAHAM,
MOOZHIKUZHIYIL HOUSE, AKAMPADAM,
ERAJIMANGAD P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.ASHOK M.CHERIAN
SMT.DAISY THAMPI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & S. SIRI JAGAN, JJ.

R.P. NO. 728 OF 2007

DATED THIS, THE 28TH DAY OF SEPTEMBER, 2007.

O R D E R

Siri Jagan, J.

The Divisional Forest Officer, Nilambur and the Chief Conservator of Forests, Kozhikode have come up with this review petition for reviewing the judgment dated 15.11.2006 in W.P.(C) 22781/2006. Review is sought on the ground that the judgment was rendered on the basis of a submission made by the learned Government Pleader which is contrary to the judgment in W.P.(C) 23689/2006, produced as Annexure I along with the review petition. On a perusal of these judgments, we do not find any inconsistencies between the submissions made in the two cases. In W.P.(C) 23689/2006 the allegation made was that the road is being constructed illegally by private persons through the Forest land. In that, the learned Government Pleader submitted that on knowledge of construction of the road, enquired into the matter and came to know that there was indeed construction of a road in an illegal manner and further construction of the road has been stopped and no road would be made. The submission made in the present judgment is that a road has to be constructed for which the

Forest Department has sought approval of the Central Government. There is no apparent conflict between these two submissions. Therefore, the review petition has been made on the basis of a wrong premise.

In the above circumstances, we do not find it necessary to review the judgment and accordingly, the review petition is dismissed.

P.R. RAMAN,
(JUDGE)

S. SIRI JAGAN,
(JUDGE)

knc/-